

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

-v-

ANDREY KOSTIN et al.,

Defendants.

Case No. 1:24-cr-00091 (GHW)

**DECLARATION OF DAVID C. RYBICKI IN SUPPORT OF DEFENDANT  
VADIM WOLFSON'S MOTION FOR A BILL OF PARTICULARS, TO SUPPRESS  
FRUITS OF SEARCHES FOR LACK OF PROBABLE CASE, AND TO REQUIRE  
PRODUCTION OF GRAND JURY MATERIALS**

Pursuant to 28 U.S.C. § 1746, I, David C. Rybicki, declare under oath as follows:

1. I am a partner at K&L Gates LLP in Washington, D.C., and counsel to Vadim Wolfson.
2. I make this Declaration in support of Mr. Wolfson's Motion for a Bill of Particulars, to Suppress the Fruits of Searches for Lack of Probable Cause, and to Require Production of Grand Jury Materials (the "Motion").
3. On August 19, 2024, I met with AUSA Emily Deininger and AUSA David Felton, members of the prosecution team in this matter, at the U.S. Attorney's Office for the Southern District of New York. During this meeting, AUSAs Deininger and Felton proffered that the government has no evidence of a direct payment by Mr. Wolfson to Andrey Kostin related to the 2019 repayment of the loan Mr. Wolfson received from the parent company of CapitalInvest in 2014. Although the government has indicated a belief that this allegation can nonetheless be proven, the prosecution team declined during that meeting to address what testimony it intended to elicit on this central part of its case.

4. Annexed hereto as Exhibit A hereto is a true and correct copy of a November 2024 email chain between me and the prosecution team in which the prosecution team declined to provide the information that is at issue in the Motion.
5. The government has produced more than 4.4 million pages of documents, with the most recent production occurring on November 6, 2024. The prosecution team has indicated that additional Rule 16 and Section 3500 materials remains forthcoming.
6. In the government's productions, the entire contents of devices, such as a phone and iPad, have been produced as spreadsheets, which each comprise just one Bates number per device but contain voluminous data.
7. Annexed hereto as Exhibit B is a true and correct copy of the November 16, 2022, memorandum from Mr. Wolfson's prior counsel to the prosecution team.
8. Annexed hereto as Exhibit C is excerpts from a compilation of documents related to 40 North Star LLC. The entire compilation is voluminous but can be filed at the Court's request.
9. Annexed hereto as Exhibit D is a true and correct copy of an April 26, 2018, Wells Fargo Certification of Beneficial Owners.
10. Annexed hereto as Exhibit E is a true and correct copy of the May 12, 2014, Master Agreement on General Loan Terms between Capital Business Finance and Bentronian.
11. Annexed hereto as Exhibit F is a true and correct copy of the Capital Business Finance Cyprus Corporation Registration.
12. Annexed hereto as Exhibit G is a true and correct copy of an August 4, 2014, email chain involving an insurance representative.

13. Annexed hereto as Exhibit H is a true and correct copy of 40 North Star's 2017 draft corporate tax return.
14. Annexed hereto as Exhibit I is a true and correct copy of a March 1, 2015, email involving an insurance company representative.
15. Annexed hereto as Exhibit J is a true and correct copy of the RCB transfer statements between Vadim Wolfson, CapitalInvest, and Altamonte.
16. Annexed hereto as Exhibit K is a true and correct copy of the November 20, 2018, assignment agreement between Capital Business Finance Ltd and CapitalInvest Ltd.
17. Annexed hereto as Exhibit L is a true and correct copy of an August 8, 2023, letter to the prosecution team.
18. Annexed hereto as Exhibit M is a true and correct copy of the May 23, 2023, transcript of grand jury testimony.
19. Annexed hereto as Exhibit N is a true and correct copy of the search warrant to AT&T for the location information and pen register for Mr. Wolfson's cellphone.
20. Annexed hereto as Exhibit O is a true and correct copy of the search warrant for Mr. Wolfson's residence.
21. Annexed hereto as Exhibit P is a true and correct copy of the search warrant to Google LLC for Vadim Wolfson's accounts.
22. Annexed hereto as Exhibits Q and R are true and correct copies of documents pertaining to the search warrant issued to Apple, Inc. for Mr. Wolfson's account.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 25, 2024  
Washington, D.C.

/s/ David C. Rybicki  
David C. Rybicki

# **EXHIBIT A**

**From:** [Felton, David \(USANYS\)](#)  
**To:** [Rybicki, David C.](#); [Deininger, Emily \(USANYS\)](#); [Johnson, Oleksandra \(CRM\)](#); [Shugert, Shawn \(NSD\)](#)  
**Cc:** [Silverblatt, Rob S.](#); [Harper, Michael C.](#)  
**Subject:** RE: Conference re Bill of Particulars  
**Date:** Thursday, November 14, 2024 9:26:41 AM

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**This Message Is From an External Sender**

This message came from outside your organization.

David,

Thanks for reaching out. We respectfully decline to provide the requested information, as the detailed Indictment and discovery, including early witness statements, already provide far more information than is required.

David R. Felton  
Assistant United States Attorney  
Southern District of New York  
Tel: (212) 637-2299  
Cell: (917) 710-0429  
E-mail: [david.felton@usdoj.gov](mailto:david.felton@usdoj.gov)

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**From:** Rybicki, David C. <David.Rybicki@klgates.com>  
**Sent:** Wednesday, November 13, 2024 11:47 AM  
**To:** Deininger, Emily (USANYS) <EDeininger@usa.doj.gov>; Felton, David (USANYS) <DFelton@usa.doj.gov>; Johnson, Oleksandra (CRM) <Oleksandra.Johnson2@usdoj.gov>; Shugert, Shawn (NSD) <Shawn.Shugert@usdoj.gov>  
**Cc:** Silverblatt, Rob S. <Rob.Silverblatt@klgates.com>; Harper, Michael C. <Michael.Harper@klgates.com>  
**Subject:** [EXTERNAL] Conference re Bill of Particulars

Emily – we are contemplating moving to compel a bill of particulars on several topics which arose during our meeting in August and which feature in the indictment. In an effort to avoid the need to move, and in a good faith effort to confer with the prosecution team on these topics, we request that you provide us with a description of the specific nature of the evidence you propose to offer on the following topics:

- Basis for claim that Capital Business Finance “regularly funded” the Altamonte account with payments for the “maintenance of the Aspen Home” and the visits of Kostin and his guests.
- Basis for the claim raised during our August 19, 2024, meeting that the July 21, 2016, “Call Option Agreement” between Altamonte and Capital Business Finance was a sham transaction designed as “cover” for payments made by Capital Business Finance to Altamonte.
- Identification of documents and names of witnesses the government proposes to use as evidence to support the claim that CC-1 and CC-3 control Capital Business Finance on behalf of Kostin. We requested this evidence during our meeting with you on August 19, 2024, and you refused to provide any further details regarding the nature of the proof you propose to

offer to support the claimed “nominee” or “pass-through” relationship between CC-1/CC-3 and Kostin.

- Any other basis for your assertion that Kostin benefitted from the 2019 transaction.

Happy to schedule a call to discuss if that would help. Best, David



**David C. Rybicki**

**K&L Gates LLP**

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**EXHIBIT B**  
**[FILED UNDER SEAL]**

**EXHIBIT C**  
**[FILED UNDER SEAL]**



**EXHIBIT D**  
**[FILED UNDER SEAL]**

**EXHIBIT E**  
**[FILED UNDER SEAL]**

**EXHIBIT F**  
**[FILED UNDER SEAL]**

**EXHIBIT G**  
**[FILED UNDER SEAL]**

**EXHIBIT H**  
**[FILED UNDER SEAL]**

**EXHIBIT I**  
**[FILED UNDER SEAL]**

**EXHIBIT J**  
**[FILED UNDER SEAL]**

**EXHIBIT K**  
**[FILED UNDER SEAL]**



**EXHIBIT L**

**[FILED UNDER SEAL]**

**EXHIBIT M**

**[FILED UNDER SEAL]**

**EXHIBIT N**

**[FILED UNDER SEAL]**

**EXHIBIT O**

**[FILED UNDER SEAL]**

**EXHIBIT P**

**[FILED UNDER SEAL]**

**EXHIBIT Q**  
**[FILED UNDER SEAL]**

**EXHIBIT R**

**[FILED UNDER SEAL]**